IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICITON

WRIT PETITION NO.7625 OF 2006

M.K. International .. Petitioner.

V/s.

Union of India & Others .. Respondents.

WITH

WRIT PETITION NO.7626 OF 2006

Moon Star Traders .. Petitioner.

Versus

Union of India & Others .. Respondents.

Mr.Anil Balani with Mr.Jerry Lewis for the petitioner.

Mr.P.S. Jetly with Mr.Y.R. Mishra with Mr.C.J. Joy for the respondents.

CORAM : H.L. GOKHALE, &
J.P. DEVADHAR, JJ.

DATED : 23RD NOVEMBER, 2006.

P.C. :

1. Heard Mr.Balani in support of these petitions. Mr.Jetly with Mr.Mishra appears for the respondents.

2. Both these petitions makes a grievance that the goods imported by the petitioners are lying in the warehouse of Jawaharlal Nehru Port Trust for the reason that the respondents have not cleared those goods. The goods consists of old and used garments

and worn clothing. The goods are stated to have been imported on 25th August, 2006 and 8th September, 2006 when the bills of entry have been lodged. The petitioners contend that in the case of similar other importers the goods have been cleared though they were also without any licence and those goods also consisted of completely fumigated old and used worn clothing. The photocopies of bills of entry in those matters are enclosed in this petition.

3. Mr.Jetly has taken instructions from the officers concerned and has stated that the show cause notice for adjudication is ready. He has, in fact, handed over the copies of the show cause notices to Mr.Balani, who received them on behalf of the petitioners. Mr.Balani has taken instructions from the petitioners and has stated that reply will be filed by tomorrow i.e. 24th November, 2006. Mr.Jetly has stated that in case such reply filed by tomorrow, the concerned officer will give hearing tomorrow itself and an order will be passed within two weeks thereafter.

4. In view of these statements made by Mr.Jetly on instructions and to which course the petitioners are agreeable, we do not go into the grievances made in the petition otherwise.

5. We direct the concerned Additional Commissioner of Customs to pass an order within two weeks from 24th November, 2006 and the order ought to be served on the petitioner in any case on or before 11th December, 2006.

6. Mr.Balani makes a grievance that the demurrage charges are mounting up in the meanwhile. He states that the petitioner will apply under Section 49 of the Customs Act for shifting the goods to other godown. On such an application being made, we expect the respondents to pass an appropriate order.

7. Both the petitions stands disposed of in terms of this order with no order as to costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)